



# Appeal Decision

Site visit made on 5 October 2009

by **Mrs H M Higenbottam**

**BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State  
for Communities and Local Government**

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**Decision date:  
3 November 2009**

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## Appeal Ref: APP/Y0435/A/09/2106380

### Plots 1, 2 and 3 Land between Pitcher Lane and School Lane Loughton Milton Keynes MK5 8AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by GT Homes Ltd against the decision of Milton Keynes Council.
- The application Ref 08/01979/FUL, dated 24 November 2008, was refused by notice dated 22 May 2009.
- The development proposed is for 3 No detached dwellings.

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### Decision

1. I dismiss the appeal.

### Main issues

2. I consider that the main issue in this case is whether or not the proposals would preserve or enhance the character or appearance of Loughton Conservation Area (CA).

### Reasons

3. Loughton is a village which has been surrounded by the expansion of Milton Keynes. The CA has a mainly rural character which is characterised by extensive grassed and wooded areas interspersed by small clusters of buildings giving the area a spacious and rural character. Whilst there are some dwellings set in large gardens, others within the CA are less spacious. Also, although many of the dwellings within the CA are of individual design, developments such as Weldon Rise, which is partially within the CA, comprise dwellings which are of a similar design to one another.
  4. The appeal site is bounded to the west by a public footpath which links from School Lane to Pitcher Lane. To the south, north and east of the appeal site are residential properties. The land slopes up from School Lane to Pitcher Lane. There are views of the rising land forming the appeal site between the dwellings fronting School Lane.
  5. The appeal proposal is for 3 dwellings which are of a similar form and scale to those in Weldon Rise, to the east of the appeal site. The siting and form of the proposed dwellings would respond to the gradient of the land and be similar to the Weldon Rise development to the east. Whilst there is a variety of dwelling styles within the CA the proposed design of the appeal scheme seeks to reflect the large pitched roofs and low eaves of the Weldon Rise development. As
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such the proposed design of the dwellings would, to my mind, not be inappropriate within this context.

6. However, Plots 1 and 2 would be sited within relatively close proximity to the western boundary adjacent to the footpath. The large expanse of roofs of Plots 1 and 2 would be readily apparent from the footpath and would, to my mind, detract from the existing rural appearance of this route. Whilst the existing hedge would, in my view, be capable of being retained, there would be inadequate space between the elevations of the dwellings and the western boundary of the appeal site to enable adequate reinforcement of this vegetative boundary to assimilate the large expanses of roof within the CA. I consider that the large expanses of roofs of these plots would result in a hard edge to the development, which would detract from, and harm, the rural character of the CA.
7. Furthermore, the large roofs of the proposed dwellings would dominate views of the proposal from the south, particularly in winter when the trees have lost their leaves. The close proximity of the proposed dwellings to one another, together with the large expanses of roofs which would be visible within the wider context of the CA would, in my view, appear cramped and incongruous to the general rural character of the CA.
8. Vehicular access to Plots 2 and 3 would be via a private drive off of Weldon Rise. The siting of Plot 3 would enable the retention of the preserved Ash tree (T1 of Land to the rear of 2A School Lane Tree Preservation Order 2006 (TPO)) on the eastern boundary of the appeal site. Subject to the imposition of conditions to require suitable protection of this tree and the group of preserved Ash trees to the north of T1 (Group G1 of the TPO) and appropriate surfacing of the private drive, I consider that the access drive would be appropriate within the area and preserve the character and appearance of the CA.
9. Vehicular access to Plot 1 would be off of Pitcher Lane. Pitcher Lane is narrow and set at a generally lower level than the adjacent development. The submitted plans indicate the cutting back of planting and vegetation and grading of the banking to between 30 and 40° to a maximum height of 450mm. The Highway Authority advises that the gradient of this access should be 1 in 14 for the first 5m of the access. Whilst these alterations would inevitably result in the creation of a formal access point with an access drive, I consider these would have a limited visual effect in views along Pitcher Lane. The width of the access point would not be that dissimilar to other access points off of the lane. The proposals would also result in the removal of an existing unattractive garage. I therefore consider, subject to a sensitive choice of surfacing for the access drive, that the proposed access point and drive off of Pitcher Lane would preserve the character and appearance of the CA.
10. I conclude that the proposal would result in a cramped form of development which would appear incongruous in views from the south and that the extensive roofs of Plots 1 and 2 close to the footpath, would harm the rural character of the area. This would result in harm to the character and appearance of the CA. This would be contrary to Policies D2, D2A and HE6 of the Milton Keynes Local Plan which seek proposals of a high standard of design, which relate well to the surrounding area, and preserve or enhance the character or appearance of the CA.

## **Other Matters**

11. Concerns have been raised about the effect of the proposals on the setting of nearby listed buildings, including the church. No details of which particular listed buildings would be affected, other than the church, have been provided. In my view, there is adequate separation between the proposals, the church and the more historic development to the south and north of the appeal site, to safeguard the settings of historic developments within the CA.
12. The Highways Authority has raised no concerns in relation to access for emergency services and traffic safety for either access point. I have no substantiated evidence to dispute this conclusion and, on the information before me, I consider the proposals would be unlikely to result in material harm to highway safety.
13. An ecological report submitted at the time of the planning application identified the presence of Great Crested Newts at the pond to the south east of the appeal site. A mitigation strategy proposes a number of movement corridors through the appeal site to allow the Great Crested Newts to move across the appeal site to adjacent land. This mitigation strategy is considered acceptable by Natural England and the Council. In my view, subject to the imposition of conditions with respect to implementation of the mitigation strategy, controlling means of enclosure and landscaping that the proposals would not harm the Great Crested Newts or their habitat on or adjacent to the appeal site.
14. I note the planning history of the appeal site and adjacent land which has been referred to by both parties. In particular, planning permission was granted for 8 dwellings (reference MK/591/90) on a site which comprised the current appeal site, land to the south and what is now known as Weldon Rise. Plots 1-3 of this approved scheme were sited mainly on the current appeal site. However, since this permission was granted a number of trees on the appeal site have been made the subject of a TPO and the extent of land on which to site 3 dwellings has been reduced. Also other developments have taken place on land adjacent to the current appeal site, such as the construction of an annex at 25 Pitcher Lane and a garage at 4 School Lane. Furthermore, the layout of Plots 1 – 3 of planning permission MK/591/90 are not directly comparable to the current appeal scheme.
15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Hilda Higenbottam*

Inspector